



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on September 11, 2012.

Date of Meeting: January 10, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:34 p.m., on Tuesday, January 10, 2012, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero
Paul Cunningham
Karin Uhlich
Shirley C. Scott
Richard G. Fimbres
Steve Kozachik
Jonathan Rothschild

Council Member Ward 1
Council Member Ward 2
Vice Mayor, Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda
Michael Rankin
Roger W. Randolph

City Manager
City Attorney
City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Adam Kemper, Northwest Community Friends Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Rothschild proclaimed January 16th to be "Marking Luther King, Jr. Day." Clarence Boykins, Tucson-Southern Arizona Black Chamber of Commerce President and CEO, accepted the proclamation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 12, dated January 10, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, and Kozachik. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 13, dated January 10, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 16, dated January 10, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Application(s)

New License(s)

1. Cartel Coffee Lab, Ward 3
2516 N. Campbell Ave.
Applicant: Thomas Robert Aguilera
Series 12, City 69-11
Action must be taken by: October 3, 2011

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed/In Favor Filed

(This item was considered separately)

2. U Like Oriental Buffet, Ward 3
5101 N. Oracle Rd.
Applicant: Daniel Yunxiu Lu
Series 12, City 97-11
Action must be taken by: January 20, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

NOTE: There are no application(s) for person transfers scheduled for this meeting.

c. Special Event(s)

1. Philoptochos Society of Tucson, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: Vasiliki J. Kyriakakis
City T118-11
Date of Event: February 18, 2012
(Fundraising)

Staff has indicated the applicant is in compliance with city requirements.

2. Sonoran Desert Mountain Bicyclists, Ward 6
900 S. Randolph Way
Applicant: Zach MacDonald
City T121-11
Date of Event: February 26, 2012
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no application(s) for agent changes scheduled for this meeting.

It was moved by Council Member Scott, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, 5c1 and 5c2, to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

1. Cartel Coffee Lab, Ward 3
2516 N. Campbell Ave.
Applicant: Thomas Robert Aguilera
Series 12, City 69-11
Action must be taken by: October 3, 2011

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument Opposed/In Favor Filed

Mayor Rothschild announced the item to be considered separately was Item 5b1, Cartel Coffee Lab, located in Ward 3, at the request of Vice Mayor Uhlich.

Vice Mayor Uhlich asked that the applicant come forward to discuss the mitigation work that had been done regarding the applicant's request.

Thomas Aguilera, representing the applicant, stated that they had worked with the Planning and Development Services Department (PDSD) regarding some parking issues. He stated there was good attendance from the neighborhood and had received clearance from PSDS with conditions for the mitigation plan.

Jason Silberschlag, Cartel Coffee Lab, stated that the issue with parking was the biggest concern and the generation of additional traffic through the neighborhood. He stated that when they checked with PSDS, there was not an issue with parking, but some requirements with striping in the back parking lot, signage requirements for left turns on from the north side of the property and right turns only from the south side of the property. He said they were in agreement with the requirements of the mitigation plan.

Stephen Haessler spoke in support of the liquor license application.

Vice Mayor Uhlich stated that she and her staff had been involved in various communications involving the application, with the owners and persons opposed to the

application. She thanked all those involved. She explained why she was going to make a no recommendation regarding the application.

Council Member Romero asked for clarification if the motion was a no recommendation or with no recommendation.

Vice Mayor Uhlich responded it was with a no recommendation.

It was moved by Vice Mayor Uhlich, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 to the Arizona State Liquor Board with a no recommendation.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Mikki Niemi
Keith Van Heyningen
Ken Johnson

Greg Rice
Tracy Toland

Raelene Kaylor
Robert Reus

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH F

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager JAN10-12-14 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of June 21, 2011

b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE SILVERBELL ROAD - GRANT ROAD TO INA ROAD PROJECT

1. Report from City Manager JAN10-12-15 WARD 1
2. Resolution No. 21847 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the Silverbell Road - Grant Road to Ina Road Project; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

c. FINAL PLAT: (S11-048) THE RETREAT BLOCK 1 AND DESIGNATING THE DEVELOPMENT PLAN AS A PROTECTED DEVELOPMENT RIGHTS PLAN

1. Report from City Manager JAN10-12-20 WARD 5
2. Staff recommends that the Mayor and Council approve the final plat as presented and the attached resolution. The applicant is advised that building/occupancy permits are subject to the availability of water sewer capacity at the time of actual application.
3. Resolution No. 21848 relating to Planning: authorizing the Mayor to approve the Final Plat in Case No. S11-048, for the Retreat Block 1, as a Protected Development Rights Plan; and declaring an emergency.

d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN LINKS PROJECT

1. Report from City Manager JAN10-12-21 WARDS 1, 5, AND 6
2. Resolution No. 21849 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 3 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County for the Downtown Links Project, St. Mary's Road segment; and declaring an emergency.

(This item was considered separately at the request of Council Member Kozachik.)

- e. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZATION OF AMENDMENTS TO THE ARTICLES OF INCORPORATION AND BYLAWS
 - 1. Report from City Manager JAN10-12-22 CITY WIDE
 - 2. Resolution No. 21850 relating to the Industrial Development Authority of the City of Tucson (IDA); authorizing and approving amendments to the IDA's Articles of Incorporation and Bylaws that will: (1) decrease the authorized maximum number of IDA directors from nine to seven; and (2) conform the attendance requirements for the IDA Board's directors to the City of Tucson's requirements for Boards and Commission, namely that any director who misses four consecutive meetings for any reason or who fails to attend for any reason at least forty percent of the meetings called in a calendar year is automatically and immediately removed as a member of the Board of Directors; and declaring an emergency.
- f. BOARDS AND COMMISSIONS: DISSOLVING THE TUCSON HOUSING TRUST FUND CITIZEN'S ADVISORY COMMITTEE AND TRANSFER RESPONSIBILITIES AND MONIES TO THE METROPOLITAN HOUSING COMMISSION
 - 1. Report from City Manager JAN10-12-23 CITY WIDE
 - 2. Ordinance No. 10955 relating to Boards and Commissions; terminating the Tucson Housing Trust Fund Citizens Advisory Committee, and transferring its responsibilities and funding to the Metropolitan Housing Commission; repealing Tucson Code Chapter 10(A), Article XXI (captioned "Tucson Housing Trust Fund Citizens Advisory Committee," and consisting of Sections 10A-220 to 10A-225 inclusive); amending Section 3 of Resolution No. 16451 (adopted November 8, 1993), which governs the goals, purposes, and functions of the Metropolitan Housing Commission, by amending its subsection (C); and declaring an emergency.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – f, with the exception of Items b and d, which were considered separately, be passed and adopted and the proper action taken.)

Council Member Fimbres announced that Consent Agenda Item c was in Ward 5, and would provide for five hundred eighty-five thousand dollars in HURF funds for road repairs per the Mayor and Council direction on August 9, 2011.

7. CONSENT AGENDA – ITEM B

b. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE SILVERBELL ROAD - GRANT ROAD TO INA ROAD PROJECT

1. Report from City Manager JAN10-12-15 WARD 1
2. Resolution No. 21847 relating to Intergovernmental Agreements; authorizing and approving the Intergovernmental Transportation Funding Agreement between the Regional Transportation Authority of Pima County (RTA) and the City of Tucson for the Silverbell Road - Grant Road to Ina Road Project; and declaring an emergency.

Mayor Rothschild announced the first item to be considered separately was Consent Agenda Item b at the request of Council Member Kozachik.

Council Member Kozachik explained that this item was discussed back in May 2011. After reviewing what was in his packet, he said there not much of a difference from what was previously discussed. He asked for clarification if the City was the lead agency on the project. He said that the 2005 project cost estimate was just under \$62 million and asked if the RTA funding, according to the materials, was \$57 million.

Tony Paez, Transportation Department Interim Director, responded that initially the cost estimate in 2005 had a \$4 million shortfall. He said there was additional funding, from the RTA of approximately \$150 million in future revenues. He stated a value analysis was conducted, in the past, that came up with \$13 million in savings and if this came to fruition, there would not be a shortfall. He said he was not so sure of the savings, but if there was a shortfall, the other jurisdictions involved would get together to ensure that the City was not the only one to deal with the shortage.

Council Member Kozachik commented he appreciated the comments, but originally the three entities got together and found that the archeology had a \$12 million estimate. He said that at the bottom of the first page, it read that the RTA and the respective jurisdictions had committed to work collaboratively to identify regional funds to cover any shortfall. But, the line directly above that stated it was highly unlikely that there would be no overruns.

Council Member Kozachik asked, as the lead agency, was the City not responsible for cost overruns.

Andrew Quigley, Assistant City Manager, responded that that was the change in the agreement, that the City was not in this alone.

Council Member Kozachik asked if SB 1525 affected the allocation of impact fee funds and if they would be collected through this project to fund the \$14 million. He

asked if staff knew how much money, in impact fees, the project was projected to raise and would they be collected through the project.

Michael Rankin, City Attorney, responded that the impact of SB 1525 did not change the City's ability to allocate impact fee funds for those purposes.

Mr. Quigley responded that the funding was from the existing account, not new money.

Mr. Rankin stated that the collection and assessment of impact fees for the project would not change. He said ultimately, as time went on and deadlines for amending the impact fee ordinances to create new fees, was still the responsibility of the City to meet those deadlines under the legislation. He said it was not anticipated that the City's ability to collect transportation impact fees would be diminished.

Council Member Kozachik stated one of the concerns of the Council, back in May, was that they did not know the final cost or final funding source of the project. He asked if staff knew anything regarding the final cost.

Mr. Paez responded that the reason for not having a specific cost, at this point, was because of the study relating to archeological work, which was the main issue.

Council Member Kozachik asked for an explanation on page 3 of 3 (Exhibit B, final page, item 20) regarding project components not covered by the agreement; design, archeological recovery, right-of-way acquisition and construction. He said if none of those components were in the agreement, why was the City writing a check to the RTA.

Mr. Quigley responded stating that the language was related to the change itself, the recovery, and that they were the components within the agreement that were not covered.

Council Member Kozachik stated that on Amendment #1 there was \$4 million dollars for archeological research and recovery.

Mr. Paez stated that Amendment #1 was for the archeological work and the present considerations were that it was included in the roadway improvement element. What they were looking for was to continue the archeological work for design and recovery to obtain additional information on the cost as they moved forward.

Council Member Romero added that she too had questions and concerns regarding the \$14.4 million in impact fees. She asked if that total amount belonged to the City and whether the entire project was inside the City limits. If not, would there be additional impact fees that would be included.

Mr. Paez replied his understanding was that the impact fees collected were to be used for this area; but he was not sure it that meant the entire amount collected would be

used. He explained that there were three jurisdictions involved, the City, the County, and Marana, that had a major role in the funding and getting the project going. He said the City was working with the County to see if they could take the lead on the archeological work since they had more experienced staff.

Council Member Romero restated her previous question regarding impact fees and the location of the project.

Mr. Paez stated the \$14.4 million dollars in impact fees belonged to the City and that the project lied within the three jurisdictions. He said his understanding was that monies would come from all of the jurisdictions involved. He stated there was funding expected in 2016 to address the shortfall for the archeological work.

Council Member Romero asked if the original projection for archeology was \$14 million, and the \$4 million was just advancement, was the entire \$14 million going to be covered by the RTA.

Mr. Paez replied in the affirmative. He said the \$4 million was to be used to begin the design and recovery work. After that, they would see how much of the \$14 million was left and adjust the direction for funding.

Mayor Rothschild commented that they way he read the “work-up,” although it was possible to come in within the \$14 million, there was a good possibility the funding shortfall would remain. He said additional monies would be required beyond what already had been committed; but no one knew yet just how much.

Mr. Paez answered in the affirmative.

Mayor Rothschild stated, if that was the case, the documentation read that the RTA and the respective jurisdictions committed to work collaboratively to identify regional funds to cover the shortfall. He asked what regional funds meant; was it City, County, Federal or was it RTA funds and no more City funds above what had already been committed.

Mr. Quigley answered in the affirmative.

Council Member Romero asked if that was received in writing.

Mr. Quigley stated that was reflected in the agreement. He said the \$14 million had not changed from the original project.

Council Member Romero stated that the agreement said, even if the value analysis recommendation proved feasible, there still could be budget overruns. She asked if that was possible, would the City go back to the drawing board, eliminate additional infrastructure work or go back to the RTA board and ask for additional funding.

Richard Miranda, City Manager, stated there seemed to be a lot of questions and dialogue regarding the matter. He suggested staff take the dialogue and questions, refine the communication and return the item at a later time to the Mayor and Council.

The Mayor and Council agreed with the City Manager each stating their reasons why.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, that Consent Agenda Items b be continued to allow for further clarification.

7. CONSENT AGENDA – ITEM D

d. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE DOWNTOWN LINKS PROJECT

1. Report from City Manager JAN10-12-21 WARDS 1, 5, AND 6
2. Resolution No. 21849 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 3 to the Intergovernmental Agreement for Transportation Funding between the City of Tucson and the Regional Transportation Authority (RTA) of Pima County for the Downtown Links Project, St. Mary's Road segment; and declaring an emergency.

Mayor Rothschild announced the next item to be considered separately was Consent Agenda Item d at the request of Council Member Kozachik.

Council Member Kozachik stated he had similar questions regarding the cost of the project. He referred to the bottom of page one of the communication, second to the last paragraph regarding the design of two Downtown Links projects which were currently on hold. He asked how this affected cost overruns and who was responsible for them.

Andrew Quigley, Assistant City Manager, replied this was a RTA funded project. He said it was theirs and the City's responsibility to jointly work this through. He said these were all phased in and there was another commitment that the RTA was going to make with respect to pushing additional dollars toward the project to complete it as envisioned. The intent was to use the RTA funds.

Council Member Cunningham said he did not understand why there was a one year lull, and why the City was not being reimbursed in FY 2013.

Tony Paez, Transportation Department Interim Director, stated that normally, once the funding had been produced for a particular project, it remained and continued to work. He said it was not a new allocation for each year.

Further discussion was held regarding reimbursements to the City for the project.

Mayor Rothschild stated he understood Council Member Kozachik's concerns regarding cost overruns and how it affected the City as the lead agency, would the City be responsible for cost overruns.

Council Member Kozachik commented that the language in the RTA agreement stated that the lead agency shall be responsible for all project costs in excess of any RTA funds contributed. He asked which segments had not been designed.

Mr. Paez responded Phase III was the 6th Street underpass and Phase IV which links 6th Street to Broadway.

Council Member Kozachik stated the City saw some significant cost overruns on the 4th Avenue underpass. He said his concern was that if two segments of the Downtown Links project have not been designed, how was the City to know what the cost would be and if the project stayed within the \$84 million so that the City was not on the hook for cost overruns. He said he did not understand why the RTA did not release the funds to design the project so that the City would at least have an idea of the total cost.

Mr. Paez stated he understood Council Member Kozachik's concerns. He said the "normal" way IGA's were handled was that the jurisdiction running the project, which was different from the Silverbell project, was responsible for any overruns. He said, when this occurred for the City in the past, they looked at savings from other parts of the project in order to supplement the funding for the project in question.

Discussion continued with additional comments from Council Members Romero, Kozachik and Mayor Walkup.

Council Member Romero stated she wanted to move the item forward and have the conversation remain open.

Council Member Kozachik stated he agreed with the motion but wanted to add a caveat that the RTA be instructed to release the funds to complete the design before any more segments were funded.

Vice Mayor Uhlich stated she concurred with Council Member Romero. She commented that the approach taken, under the regional plan, was the phasing of projects. She said her concern about up-fronting all of the design costs was that there would be a bunch of beautiful roadway designs and not a single mile constructed. She stated she felt

that the City could also manage their own obligations depending on the design and cost of certain segments.

It was moved by Council Member Romero, duly seconded, and passed by a voice vote of 6 to 1 (Council Member Kozachik dissenting), that Consent Agenda Item d be passed and adopted and the proper action taken.

8. PUBLIC HEARING: TUCSON CODE - AMENDING (CHAPTER 3) SIGN CODE, REGULATING NONCONFORMING SIGNS

Mayor Rothschild announced City Manager's communication number 19, dated January 10, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to Chapter 3 of the Tucson Code relating to nonconforming signs. He said staff wanted to make a brief presentation before beginning the public hearing.

Ernie Duarte, Planning & Development Services Department Director, gave a brief introduction summary to the item outlining the steps taken to regulate nonconforming signs.

Mayor Rothschild announced the public hearing was to last for no more than one hour and speakers were limited to five-minute presentations.

The following people spoke in support of amending the *Sign Code*, Regulating Nonconforming Signs: Allyson Solomon, Jude Cook, Cook & Company Signmakers, John O'Dowd, Citizens Sign Code Committee and Mark Mayer, Scenic Arizona.

Mikki Niemi spoke about his recollection of signs, all over Tucson, back in the 1940's and 1950's and how today.

Ray Tipton, Tucson Seat Cover Company, asked for a waiver regarding the Ordinance and his business stating he reasons why.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

It was moved by Council Member Cunningham, duly seconded, and carried by a voice vote of 7 to 0, close the public hearing.

Mayor Rothschild asked the City Clerk to read Ordinance 10954 by number and title only.

Ordinance No. 10954 relating to Sign Code; amending the Tucson Code, Chapter 3, Sign Code, Article VIII, Nonconforming Signs and Change of Use, Section 3-96, signs for legal nonconforming uses; and declaring an emergency.

It was moved by Council Member Romero, duly seconded to pass and adopt Ordinance 10954.

Mayor Rothschild asked if there was any further discussion.

Council Member Cunningham requested that staff look at the Historic Landmark Sign Ordinance with regard to the situation with Mr. Tipton's sign.

Mr. Duarte stated he didn't believe the current provisions of the sign code or the amendment under consideration would assist Mr. Tipton with his non-conforming sign.

Council Member Cunningham asked if there was a provision in the Historic Landmark Sign Code that would be able to assist him

Mr. Duarte stated that this was something they would need to research further.

Council Member Cunningham asked staff to work with Mr. Tipton to see if his business could be accommodated. He stated that in the long run this could assist other businesses as well.

Council Member Fimbres asked how it was determined to designate the historical significant nonconforming signs and to designate the other nonconforming signs as not historically significant.

Glen Moyer, Planning & Development Department Planning Administrators, responded that the Historic Landmark Ordinance was prepared by the Tucson-Pima County Historical Commission, Historical Landmark Subcommittee. It was based on a review of existing signs around town. He stated, at that time, they were all nonconforming.

Mr. Moyer stated that they evaluated the age of the sign, their condition (neon lighting, etc.); a total of nine factors. He said those that met the design guidelines were considered historic. He continued that the Tucson Seat Company sign would be one, but required that they submit an application stating how the sign would be used in the future.

Mr. Moyer stated that one of the requirements was where the sign was going to be located; the Ordinance stated the sign had to remain on its original site and cannot be taken off the site unless it was moved to a concentration of three or more historic signs.

Council Member Fimbres asked staff to further explain the difference between the reductions in height in an area of nonconforming signs versus those signs for commercial development.

Mr. Moyer explained that the *Code* allowed for signs to be moved on its own site by reducing it by ten to twenty percent depending on how big the sign started off. He

explained that this change would simplify the *Sign Code*, by reducing the number of pages with fewer code requirements.

Council Member Kozachik asked, in terms of allowable size during and after the window and after 2013, how was this different. He also stated that in Section 5, it spoke about signs share a common structure with other tenants. He asked if the common structure was intended to be a sign on a pedestal with six or eight businesses named on it or a store front that ran fifty feet with six different signs on it.

Mr. Moyer explained that in the first six months, the rules remained the same. The sixth through the eighteenth month, the allowance to move a sign on to your sight, changed. He said as mentioned by Mr. Duarte, there was the 10/10 and 20/20 provisions. The 20/20 provision allowed for a reduction in height and area by twenty percent. He stated if it was a really big sign, it was capped at a hundred square feet and twenty feet tall, twice as big as a typical sign currently allowed for conforming signs in the City.

Mr. Moyer stated that at the end of the eighteen months, those rules would go away and nonconforming signs would not longer be allowed to move, but could remain indefinitely.

Mr. Moyer commented that the *Code* was written for shopping center signs that had a bunch of different panels on it with a lot of different tenants' names on it. He said the sign on a building with a whole bunch of tenants on it was probably nonconforming.

Ordinance 19054 was passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: PROPOSED AMENDMENT TO THE TUCSON CODE (CHAPTER 20) PROHIBITING TEXTING WHILE DRIVING

Mayor Rothschild announced City Manager's communication number 18, dated January 10, 2012, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed amendment to Chapter 20 of the Tucson Code prohibiting texting while driving. He said no action would be taken following the hearing.

Mayor Rothschild announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five minute presentations.

Council Member Kozachik asked for a point of order regarding the item. He asked if no action could be taken, did that mean that the Council was not in a position to move the item forward.

Michael Rankin, City Attorney, stated staff was anticipating any direction from the Mayor and Council regarding the item. He said the item was not agendized for action at the evening's meeting; but staff was open for direction.

The following people spoke in support of the proposed ordinance prohibiting texting while driving; Victor Walker Kylie Walzak, Living Streets Alliance, Daniel Judkias, Univeristy of Arizona Medical Center, Trauma Center, and Ian Johnson, each stating their reasons why.

The following people spoke in opposition to the proposed ordinance prohibiting texting while driving; Mikki Niemi and Mark Spear, each stating their reasons why.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 17, dated January 10, 2012, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Kozachik, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment(s) of Bob Brisley, in the category of Resident and Peggy Sackheim, in the category of Property Owner, to the Fort Lowell Historic Zone Advisory Board (FLHZAB) and Patricia Anderson, representing the Korean War Veterans Association to the Veterans' Affairs Committee (VAC).

Mayor Rothschild asked if there were any personal appointments to be made.

Council Member Cunningham announced his personal appointment(s) of Bryan Adams to the Tucson Greens Committee (TGC).

11. ADJOURNMENT: 8:00 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, January 18, 2012, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 10th day of January 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:yl